

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,

Plaintiff,

v.

I.B.T. INTERNATIONAL
BROTHERHOOD, *et al.*,

Defendants.

Case No. 2:21-cv-01366-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PAY THE FILING FEE

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On August 4, 2021, I ordered plaintiff to submit, within thirty days, either the \$402 filing fee or an application to proceed *in forma pauperis*. ECF No. 3. Plaintiff failed to respond to that order. Accordingly, on November 8, 2021, I ordered plaintiff to show cause within twenty-one days why this case should not be dismissed for failure to prosecute and failure to comply with court orders. ECF No. 6. I also warned him that failure to respond to the order would result in a recommendation that this action be dismissed without prejudice. *Id.* To date, plaintiff has not submitted the required filing fee nor otherwise responded to the November 8, 2021 order.

Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a United States District Judge to this case. Further, it is RECOMMENDED that this action be dismissed without prejudice for failure to pay the required filing fee.

I submit these findings and recommendations to the district judge under
28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States

1 District Court, Eastern District of California. The parties may, within 14 days of the service of
2 the findings and recommendations, file written objections to the findings and recommendations
3 with the court. Such objections should be captioned "Objections to Magistrate Judge's Findings
4 and Recommendations." The district judge will review the findings and recommendations under
5 28 U.S.C. § 636(b)(1)(C).

6
7 IT IS SO ORDERED.

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9 Dated: December 28, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE